PATRICK A. MILES, JR. United States Attorney Western District of Michigan IGNACIA S. MORENO Assistant Attorney General Environment & Natural Resource Division U.S. Department of Justice PAMELA S. WEST Trial Attorney Pamela.west@usdoj.gov District of Columbia Bar No. 444552 Maryland Bar No. 200501240002 Ohio Bar No. 0011191 Natural Resources Section Environment & Natural Resources Division U.S. Department of Justice 601 D Street N.W., Room 3118 Washington, D.C. 20004 Telephone: (202) 305-0457; Fax: (202) 305-0506

Attorneys for Federal Defendants

IN THE UNITED STATES DISTRICT COURT

FOR THE WESTERN DISTRICT OF MICHIGAN

NORTHERN DIVISION

tion No. 11-514
RATION OF
GENE PETERSEN

In accordance with the provisions of 28 U.S.C. § 1746, I, Gene R Petersen, declare under penalty of perjury under the laws of the United States of America that the following is true and correct:

- I am employed by the United States Department of Energy (DOE), Office of the Biomass Program (OBP), as a Technical Project Officer and Project Manager at the DOE Golden Field Office, Golden, Colorado. I have been employed at the Golden Field Office in for approximately 7.5 years. Prior to this I was employed as a principal scientist at the National Renewable Energy Laboratory. As part of the Office of the Biomass Program, I am involved in the deployment of technology for the conversion of biomass to fuels and chemicals. The Mascoma project has been part of my portfolio since about mid-2009.
- 2. I make this declaration upon personal knowledge. If called upon to do so, I could testify competently as to its contents.
- 3. I was not initially involved in the preparation of award documents for the initial award to Mascoma Corporation (Award No. DE-FC36-08GO18103, "Demonstration of Integrated Biorefinery"), but participated in subsequent modifications to the award, as a technical project officer from 2009 to the present. From 2009 to present, as part of my duties, I provided technical support and expertise in all modifications to the award in support of the Contracting Officer.
- 4. As set forth in 42 U.S.C § 16232(d)(1), the Secretary of Energy can provide no more than \$100,000,000 to the Mascoma biorefinery project. While there is a potential to provide Mascoma Corporation with an award of up to \$100,000,000, as of this date, the DOE has obligated \$74,600,000 to Award No. DE-FC36-08GO18103. To date, of the \$74,600,000, DOE has authorized Mascoma Corporation to expend \$26,621,308, and Mascoma Corporation has expended \$23,441,376. The Department of Energy will not authorize Mascoma to spend the remaining obligated funds until Mascoma Corporation satisfies certain conditions. For example, Mascoma must submit verifiable evidence to DOE that it has the resources to provide the required recipient cost share for the federal funds. Once DOE authorizes Mascoma to expend project funds, Mascoma Corporation will only receive the federal funds after it submits an invoice and the invoice is approved by DOE.
- 5. As set forth in the final Environmental Assessment and the Finding of No Significant Impact, and the Special Terms and Conditions for the award, Mascoma Corporation is required to comply with specific mitigation measures, best practices and certain design features for the project. As part of my responsibilities as the DOE Project Manager, I monitor the Mascoma project to ensure the mitigation measures, best practices and design features are met. If Mascoma Corporation fails to comply, it would be in violation of its award terms and the Department of Energy can seek to have Mascoma Corporation reimburse the federal government for the federal funds expended on the project.

- 6. As part of the requirements set out in the terms and conditions of the award and subsequent modifications and amendments, the Department of Energy has substantial involvement in the management and execution of the award. Hence, I managed the adherence of the project to the terms and conditions found in all agreements and subsequent modifications. This included tracking of costs, approving invoices, arranging reviews and regular meetings and teleconferences, obtaining regular progress reports, and providing other technical assistance efforts. As such, I have regular communications with Mascoma Corporation regarding the project's progress and schedule.
- 7. I have been advised by Mascoma Corporation that the company plans on undertaking some minor construction activities after October 15, 2012, including some structural work for support buildings, infrastructure for utilities, and foundations for non-process structures. No construction involving installation of major process operations or equipment and associated activities (digging for foundations, etc.) will occur before April, 2013,

[Signature Page to Follow]

I declare under the penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed at Golden, Colorado this 31th day of August, 2012.

Gene R. Petersen

CERTIFICATE OF ACKNOWLEDGEMENT OF NOTARY PUBLIC

STATE OF COLORADO COUNTY OF JEFFERSON

This document was acknowledged before me on the 31st day of August, 2012 by

GENE R. PETERSEN (name of principal).

(Notary Seal, if any):

(Signature of Notarial Officer)

My commission expires: Aur 20, 2016